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31 MAR 2008

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WASHINGTON, DC 20006

In re Application of :  
YAMAHIRO et al :  
Application No.: 10/528,001 : DECISION ON  
PCT No.: PCT/JP2003/011856 :  
Int. Filing Date: 17 September 2003 : PETITION  
Priority Date: 17 September 2002 :  
Attorney's Docket No.: 2005-0455A : UNDER 37 CFR 1.181  
For: SILICON COMPOUND :

This decision is in response to the "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE," filed on 24 March 2008 which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to April 5, 2005.

**BACKGROUND**

On 16 March 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was filed on such date.

On 25 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 25 July 2005.

On 06 December 2006, applications filed a "REQUEST FOR CORRECTED FILING RECEIPT," stating that executed declaration was filed on 05 April 2005.

On 24 March 2008, applicants filed this petition indicating that the correct 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) date is 05 April 2005 as evidence by the USPTO stamped postcard.

**DISCUSSION**

Applicant's present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the PTO as indicated in the itemized stamped postcard:

- (1) Executed Declaration and Power of Attorney

The postcard lists the above items and bears a USPTO date of stamp as 05 April 2005.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that the executed declaration was deposited with the U.S. Patent and Trademark Office on 05 April 2005.

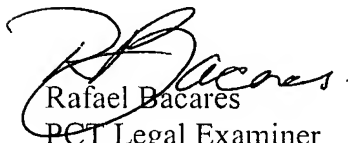
Accordingly, the date of receipt for the executed declaration is **05 April 2005**.

### **DECISION**

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on **25 November 2005** is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **05 April 2005**.



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